

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: § Group Art Unit: 2874
Douglas J. Cutter et al. §
§
Serial No.: 09/777,036 § Examiner: Unassigned
§
Filed: February 5, 2001 §
§
For: METHOD AND APPARATUS FOR § Atty. Docket: MCRO:181--1/FLE
CHECKING THE RESISTANCE § 95-0580.01
OF PROGRAMMABLE ELEMENTS §
§

Mail Stop Office of Petitions
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313

CERTIFICATE OF TRANSMISSION OR MAILING 37 C.F.R. 1.8	
I hereby certify that this correspondence is being transmitted by facsimile to the United States Patent and Trademark Office in accordance with 37 C.F.R. 1.6(d) or is being deposited with the U.S. Postal Service as First Class Mail in an envelope addressed to: Commissioner for Patents, Alexandria, VA 22313, on the date below:	
August 28, 2003	_____ Michael G. Fletcher
Date	Michael G. Fletcher

Sir:

PETITION UNDER 37 C.F.R. § 1.181
IN RESPONSE TO NOTICE OF ABANDONMENT

This petition is being filed in response to the Notice of Abandonment mailed on August 7, 2003. (Exhibit 1). The notice states that the above-referenced application has been abandoned for failure to respond to the Notice to File Missing Parts mailed on April 20, 2001. In view of the remarks set forth below, Applicants respectfully request withdrawal of the Notice of Abandonment and reinstatement of the above-referenced application with its original filing date of February 5, 2001.

On February 5, 2001, Applicants filed a Request for Filing a Continuing Application under 37 C.F.R. § 1.53(b). (Exhibit 2). On page two of the request, item ten (10) indicates that a Decision According Status under 37 C.F.R. § 1.47(a) for the parent application was attached. (Exhibit 3). A return copy of the postcard filed along with the request also evidences that a copy of the Decision According Status was filed along with the request on February 5, 2001. (Exhibit

4). According to the Decision, the application is accorded status under Rule 1.47(a) due to the failure of joint inventor Fan Ho to join in the application.

On June 15, 2001, the undersigned discussed the Notice to File Missing Parts with Preston Wallace of the Patent Office's customer service center, who instructed Applicants to disregard the Notice to File Missing Parts in view of the facts described above. Accordingly, Applicants have been awaiting a first substantive action since that date.

Because a Declaration evidencing Fan Ho's signature is clearly not required in view of the Decision According Status under 37 C.F.R. § 1.47(a) filed on February 5, 2001, both the Notice to File Missing Parts and the Notice of Abandonment have been issued in error. Accordingly, Applicants strenuously request withdrawal of the Notice of Abandonment, reinstatement of the present application, and substantive examination at the earliest possible date.

It is not believed that any fees are required for filing this petition due to the mistake being on the part of the Patent Office. However, the Commissioner is authorized to charge Deposit Account No. 13-3092; Order No. MCRO:181--1/FLE (95-0580.01) for any fees that might be required.

Respectfully submitted,

Date: August 28, 2003


Michael G. Fletcher
Reg. No. 32,777
FLETCHER YODER
P.O. Box 692289
Houston, TX 77269-2289
(281) 970-4545

Ae ✓



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Address: COMMISSIONER OF PATENTS AND TRADEMARKS
 P.O. Box 1450
 Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
09/777,036	02/05/2001	Douglas J. Cutter	MCRO:181-1/FLE

CONFIRMATION NO. 2669
**ABANDONMENT/TERMINATION
 LETTER**



OC000000010652353

Date Mailed: 08/07/2003

NOTICE OF ABANDONMENT UNDER 37 CFR 1.53 (f) OR (g)

The above-identified application is abandoned for failure to timely or properly reply to the Notice to File Missing Parts (Notice) mailed on 04/20/2001.

- No reply was received.

A petition to the Commissioner under 37 CFR 1.137 may be filed requesting that the application be revived.

Under 37 CFR 1.137(a), a petition requesting the application be revived on the grounds of **UNAVOIDABLE DELAY** must be filed promptly after the applicant becomes aware of the abandonment and such petition must be accompanied by: (1) an adequate showing of the cause of unavoidable delay; (2) the required reply to the above-identified Notice; (3) the petition fee set forth in 37 CFR 1.17(l); and (4) a terminal disclaimer if required by 37 CFR 1.137(d).

Under 37 CFR 1.137(b), a petition requesting the application be revived on the grounds of **UNINTENTIONAL DELAY** must be filed promptly after applicant becomes aware of the abandonment and such petition must be accompanied by: (1) a statement that the entire delay was unintentional; (2) the required reply to the above-identified Notice; (3) the petition fee set forth in 37 CFR 1.17(m); and (4) a terminal disclaimer if required by 37 CFR 1.137(d).

Any questions concerning petitions to revive should be directed to "Office of Petitions" at (703) 305-9282.

*A copy of this notice **MUST** be returned with the reply.*

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

RECEIVED

AUG 15 2003

Fletcher Yoder

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Douglas J. Cutter et al.

Prior Application Serial No.: 08/813,525
 Prior Application Filed: March 7, 1997

Serial No.: Unassigned

Filed: Herewith

For: METHOD AND APPARATUS FOR
 CHECKING THE RESISTANCE
 OF PROGRAMMABLE ELEMENTS

§ Group Art Unit: Unassigned

§ Examiner: Unassigned

§ Atty Docket: MCRO:181--1/FLE
 95-0580.01

Assistant Commissioner
 For Patents
 Washington, D.C. 20231

NUMBER:	"EXPRESS MAIL" MAILING LABEL	
	EL 652 335 451 US	
DATE OF DEPOSIT:	February 5, 2001	
<i>Pursuant to 37 C.F.R. § 1.10, I hereby certify that I am personally depositing this paper or fee with the U.S. Postal Service, "Express Mail Post Office to Addressee" service on the date indicated above in a sealed envelope (a) having the above-numbered Express Mail label and sufficient postage affixed; and (b) addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.</i>		
February 5, 2001		<i>Cynthia L Hayden</i>
Date		Cynthia L Hayden

Dear Sir:

REQUEST FOR FILING CONTINUING APPLICATION UNDER 37 C.F.R. § 1.53(b)

This is a Request for filing a continuing application under 37 C.F.R. § 1.53(b) of pending prior application Serial No. 08/813,525, filed on 03/07/97, entitled **METHOD AND APPARATUS FOR CHECKING THE RESISTANCE OF PROGRAMMABLE ELEMENTS** in the name of Douglas J. Cutter et al.

The following are enclosed:

1. Papers which the undersigned declares to be a true copy of the prior application as originally filed, including a Title page, a 15 page disclosure, 11 pages of claims, a 1 page abstract of the disclosure, 7 sheets of informal drawings, and 3 Declarations signed by all of the inventors except Fan Ho.
2. The Commissioner is authorized to charge the filing fee as calculated below, less any claims canceled by amendment below, and any additional fees which may be required, to Deposit Account No. 13-3092; Order No. MCRO:181-1/FLE (95-0580.01).
- 3.a. A copy of the Election and Power of Attorney in the prior application.
or
- 3.b. A new Power of Attorney.
4. 3 Assignments of record for the prior application.
5. Three (3) sets of informal drawings, each set consisting of 7 sheets.
- 6.a. A verified statement claiming small entity status is enclosed.

or

- 6.b. A verified statement claiming small entity status was filed in a parent application and small entity status is still proper and desired in this continuing application.
7. An Information Disclosure Statement and PTO-1449.
8. One set of Formal Drawings consisting of 5 sheets.
9. A Preliminary Amendment.
10. A Decision According Status Under 37 C.F.R. § 1.47(a) for the prior application.

Please address all correspondence in connection with this application to Michael G. Fletcher, Fletcher, Yoder & Van Someren, P.O. Box 692289, Houston, Texas 77269-2289; telephone (281) 970-4545.

Amend the specification by inserting before the first line the sentence:

Cancel in this application original claims 2-27 of the prior application before calculating the filing fee. (At least one original independent claim must be retained for filing purposes.)

The filing fee is calculated on the basis of the claims originally filed in the prior application, and any claims canceled or added by amendment.

CLAIMS	FOR	NUMBER FILED	NUMBER EXTRA	RATE	CALCULATIONS
	TOTAL CLAIMS	22	- 20 =	2 X \$ 18.00	\$ 36.00
	INDEPENDENT CLAIMS	7	- 3 =	4 X \$ 80.00	320.00
MULTIPLE DEPENDENT CLAIM(S) (If applicable)				+ 270.00	
				BASIC FEE	710.00
			Total of above Calculations =		1066.00
Reduction by $\frac{1}{2}$ for filing by small entity (Note 37 C.F.R. §§ 1.9, 1.27, 1.28.)				\$	
			TOTAL =	\$	1066.00

The undersigned declares that all statements made herein of his own knowledge are true and that all statements made on information and belief are believed to be true, and further, that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Date: February 5, 2001


Michael G. Fletcher
Reg. No. 32,777
FLETCHER, YODER & VAN SOMEREN
P.O. Box 692289
Houston, Texas 77269-2289
(281) 970-4545



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
ASSISTANT SECRETARY AND COMMISSIONER
OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

Michael G Fletcher
Fletcher & Associates
PO Box 692289
Houston TX 77269-2289

RECEIVED
DEC 23 1998

COPY MAILED

DEC 14 1998

In re Application of :
Cutter, Ong, Ho, Beigel, : SPECIAL PROGRAMS OFFICE
Debenham, Luong, Pierce, and : DECISION ACCORDING STATUS
Mullarkey : UNDER 37 CFR 1.47(a)
Application No. 08/813,525 :
Filed: March 7, 1997 :
For: Method and Apparatus for
Checking the Resistance of
Programmable Elements

This is in response to the request for reconsideration, filed June 26, 1998, requesting reconsideration of the petition under 37 CFR 1.47(a).

The petition is granted.

Petitioner has now supplied a declaration in compliance with 37 CFR 1.63 and 1.64.

The above-identified application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 1.47(a) status.

As provided in Rule 1.47(a), this Office will forward notice of this application's filing to the non-signing inventor at the address given in the Declaration. Notice of the filing of this application will also be published in the Official Gazette.

After this decision is mailed, the above-identified application will be returned to Group Art Unit 2764.

Telephone inquiries regarding this decision should be directed to the undersigned at (703)306-3159.

Karin Tyson
Senior Legal Advisor
Special Program Law Office
Office of the Deputy Assistant Commissioner
for Patent Policy and Projects



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
ASSISTANT SECRETARY AND COMMISSIONER
OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

COPY MAILED

Fan Ho
1030 Castelton # G
Sunnyvale CA 94087

DEC 14 1998

In re Application of
Cutter, Ong, Ho, Beigel, Debenham, Luong, Pierce
Mullarkey
Application No. 08/813,525
Filed: March 7, 1997
For: Method and Apparatus for Checking the Resistance of
Programmable Elements

SPECIAL PROGRAMS OFFICE
~~SEARCH AND PATENTS~~

Dear Mr. Ho:

You are named as a joint inventor in the above identified United States patent application, filed under the provisions of 35 U.S.C. 116 (United States Code), and 37 CFR 1.47(a). Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as a joint inventor.

As a named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Telephone inquiries regarding this communication should be directed to the undersigned at (703) 305-9285. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to Certification Division at (703) 308-9726 or 1(800) 972-6382 (outside the Washington D.C. area).

Karin Tyson
Senior Legal Advisor
Special Program Law Office
Office of the Deputy Assistant Commissioner
for Patent Policy and Projects

Michael G Fletcher
Fletcher & Associates
PO Box 692289
Houston TX 77269-2289

Please indicate receipt of
the below-identified paper:

New application Specification: 28 Pages; Drawings: 7 Sheets

Continuation Divisional CIP CPA

Response to Office Action dated _____ Final Rejection
 Other Request for Filing Continuing Application; Preliminary Amendment; PTO-1449; IDS; Parent Declarations Assignments & Decision According Status; One set of Formal Drawings
 Assignment enclosed Cert. Of Timely Mailing Express Mail

Identification of Application:

Serial No. _____
Title Method and Apparatus for Checking the Resistance of Programmable Elements

Applicant Douglas J. Cutter et al.

Client Micron Technology, Inc.

File No. MCRO:181--1 Attorney FLE

Mailed 02-05-01 Filed _____ Due Date _____

Please indicate receipt of
the below-identified paper:

New application Specification: 28 Pages; Drawings: 7 Sheets

Continuation Divisional CIP CPA

Response to Office Action dated _____ Final Rejection
 Other Request for Filing Continuing Application; Preliminary Amendment; PTO-1449; IDS; Parent Declarations Assignments & Decision According Status; One set of Formal Drawings
 Assignment enclosed Cert. Of Timely Mailing Express Mail

Identification of Application:

Serial No. _____
Title Method and Apparatus for Checking the Resistance of Programmable Elements

Applicant Douglas J. Cutter et al. JC973 U.S. PTO

Client Micron Technology, Inc. 09/777036

File No. MCRO:181--1

Mailed 02-05-01 Filed 02/05/01